

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
WISCONSIN MILWAUKEE DIVISION

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THE ESTATE OF THE UNBORN CHILD  
OF JENNIFER JAWSON; and JENNIFER  
JAWSON,

Plaintiffs,

Case No.: 19-CV-1008

v.

MILWAUKEE COUNTY, et al.,

Defendants.

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**MOTION OF ATTORNEY ZINCONI TO APPEAR BY TELEPHONE AT THE  
JANUARY 8, 2024 PRETRIAL and ATTORNEY ZINCONI'S CIVIL L.R. NON  
~~DISPOSITIVE MOTION TO WITHDRAW (AMENDED)~~**

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Attorney Francesco A Zincone ("Counsel") moves the Court, pursuant to Civil L.R. 7, to withdraw as counsel for Armor Correctional Health Services Inc. ("Armor") and Jackie Pitterle ("Pitterle") (collectively, "Defendants"). In so moving, Counsel states as follows:

**A. Motion to Appear Remotely At The 1/8/2024 Pretrial Conference.**

1. Counsel filed his Appearance in this matter on behalf of Defendants. Armor has filed an Assignment for the Benefit of Creditors. (See Docket Entry #274, Notice by Melissa C McLaughlin *Suggestion of Assignment for Benefit of Creditors*).

2. Defendant Armor has directed Counsel to withdraw his Appearance in this cause based on the Assignment for the Benefit of Creditors and the inability to pay Counsel.

3. Counsel, who is located in Florida is not getting paid and Counsel requests that he be allowed to attend the January 8, 2024 pre-trial conference by telephone, Zoom or Webex, rather than in person. Attorney Alon Stein, which is local counsel for Armor (who previously filed a Motion to Withdraw—See Docket Number 275--which has not yet been ruled upon)

will appear at the final pre-trial conference in person on behalf of Armor.

**B. Motion to Withdraw**

4. Counsel seeks to withdraw as lead counsel. Counsel was being paid by Armor but Armor is no longer paying Counsel due to the Assignment For The Benefit of Creditors. Counsel was representing Pitterle due to an agreement between Armor and Pitterle where Armor would be paying her legal fees. But, Armor is not paying her legal fees any longer. Pitterle needs an opportunity to obtain new trial counsel.

5. An attorney may withdraw from a case if “good cause” for withdrawal exists. *Fidelity Nat. Title Ins. Co. of New York v. Intercounty Nat. Ins. Co.*, 310 F.3d 537, 540 (7th Cir. 2002), citing *Model Rules of Professional Conduct*, Rule 1.16(b)(7). Inability to pay legal fees and expenses with the prospect of incurring is “good cause”. *Fidelity Nat. Title Ins. Co. of New York*, 310 F.3d at 540. Civil litigants generally have no right to free legal aid in civil lawsuits. *Maus v. Greening*, 2013 U.S. Dist. LEXIS 74587, 2013 WL 2318148 (E.D. Wis. May 28, 2013).

6. A copy of this Motion to Withdraw Appearance will be sent to the at the following address: by certified mail: Armor Correctional Health Services, Inc., 4960 SW 72<sup>nd</sup> Avenue, Suite 400, Miami, Florida 33155, and to Kelly Huerta at [kelly.huerta@armorhealthcare.com](mailto:kelly.huerta@armorhealthcare.com), the contact person for Armor’s legal matters. A copy of this Motion will be sent to Pitterle to the contact address that Armor has for her: S67 W 13622 Fleetwood Road, Muskego, WI 53150. Attorney Alon Stein spoke with her on January 3, 2024 at around 2:25pm at the phone number of (414) 499-8986 and told her the address of the Court and the Courtroom number for the 9:30am pre-trial set for January 8, 2024.

**WHEREFORE**, Counsel hereby requests Attorney Zincone be allowed to attend the pre-trial conference remotely, and that this Court grant this Motion to Withdraw.

Dated this 3rd day of January, 2024.

/s/ Alon Stein

Alon Stein

(State Bar # 1034854)

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